

WASHINGTON COUNTY JUSTICE COURT
87 NORTH 200 EAST #301, ST. GEORGE, UT 84770
PHONE: 435-634-5728 REVISED 6-29-09

EXPUNGEMENT PACKET: INSTRUCTIONS AND 3 FORMS

The statutory authority governing expungement is 77-18-9 to 17 of the Utah Code of Criminal Procedure.

The Code provides for an expungement and sealing of court and arrest records after expiration of the following time periods:

Alcohol-related traffic offenses (Title 41)	10 years
All other single-offense misdemeanors and infractions	3 years
If multiple Class B Misdemeanor offenses	12 years
If multiple Class C Misdemeanor offenses	6 years
Arrests without filing of charges	1 month
Proceedings commenced and dismissed	1 month
Acquittals (found not guilty)	1 month

Time is computed from the case's closing date, including completion of terms of probation, jail, classes, treatment and/or payment of fine, whichever occurs last. In an absentia conviction, time is computed from the date of arrest.

STEPS TO OBTAIN EXPUNGEMENT

1. Obtain Certificate of Eligibility from BCI:

Contact the Department of Public Safety Bureau of Criminal Identification (BCI) by phone at 801-965-4966 or 801-965-4759 or www.bci.utah.gov to get an Application for Criminal History Record Review and instructions. (Be sure to check the box that indicates you would like to apply for criminal history expungement.)

- First, apply for your criminal history. BCI sends your complete history and advises you which case or cases are eligible to be expunged.
- Second, submit to BCI your request for the particular case or cases you want to expunge. If all requirements have been met, BCI will send you a Certificate of Eligibility.

2. Obtain Expungement Packet from the Court. Fill out 3 forms in expungement packet:

Form 1: Petition for Expungement and Sealing of Records (Sign Petition before a notary),
Form 2: Prosecutor's Receipt, Consent and Waiver of Hearing (with attached copy of court docket),
Form 3: Certificate of Compliance and Order of Expungement and Sealing.

3. If expungement is being sent through the mail, send the following items to the appropriate prosecutor marked below:

☐ **St. George City Attorney, 175 East 200 North, St. George, Utah 84770.**

☐ **Washington County Attorney, 178 North 200 East, St. George, Utah 84770.**

- a. Three forms from court expungement packet (filled out)
- b. Certificate of Eligibility from BCI; and
- c. A legal-size, self-addressed, stamped envelope to return documents to you.

The prosecutor reviews the Petition, court docket and Certificate of Eligibility. If there are no objections, prosecutor signs the Prosecutor's Receipt, then returns all to you in your envelope.

4. When you receive these forms back from prosecutor, mail the following to Washington County Justice Court for the current judge's signature on the Expungement Order:

- a. Three forms from packet—Petition, Prosecutor's Receipt, Order of Expungement,
- b. Certificate of Eligibility from BCI,
- c. ☐ \$165 payment (includes \$135 expungement fee plus costs for certified copies and photocopies), or ☐ No fee (due to dismissal of charges or acquittal),
- d. A 9" x 12" self-addressed/stamped envelope for court to send certified copies to you (petitioner) for distribution to appropriate agencies.

5. When the Order of Expungement is signed by the court, 6 certified copies of the Order of Expungement and a copy of BCI's Certificate of Eligibility will be mailed in the 9" x 12" envelope to you (the Petitioner) to mail or hand deliver to the agencies concerned with expunging the record. The original Petition and Order of Expungement become the property of the court and are added to the case file prior to the sealing of the record.

6. You (the Petitioner) shall be responsible for the distribution of the certified copies of the Expungement Order to the appropriate agencies checked below. The court does not provide this service. To assist you in distribution of the Order of Expungement, the addresses for the agencies most commonly dealing with this court are as follows:

☐ WASHINGTON COUNTY ATTORNEY
178 North 200 East
St. George, Utah 84770

☐ St. GEORGE CITY ATTORNEY
175 East 200 North
St. George, Utah 84770

☐ DIRECTOR OF UTAH BCI (2 COPIES)
3888 West 5400 South
Taylorsville, Utah 84114-3549

☐ DRIVER LICENSE DIVISION
(Title 41 only)
359 East Riverside Drive
St. George, Utah 84770

☐ WASHINGTON COUNTY SHERIFF
750 South 5300 West
Hurricane, Utah 84737

☐ ST. GEORGE POLICE DEPT.
265 North 200 East
St. George, Utah 84770

☐ UTAH HIGHWAY PATROL
P. O. Box 1112
St. George, Utah 84770

☐ DIXIE COLLEGE SECURITY
225 South 700 East
St. George, Utah 84770

☐ PURGATORY CORRECTIONAL FACILITY
750 South 5300 West
Hurricane, Utah 84737

☐ DEFENDANT/PETITIONER
COPY

☐ OTHER:

☐ OTHER:

To expunge means to omit, erase, or obliterate. If the court grants the Petition for Expungement and the Order of Expungement is signed, your court record will be expunged and sealed, and the matter will be treated as if the record never existed. You may respond to any inquiry as though the incident did not occur.

WASHINGTON COUNTY JUSTICE COURT
87 NORTH 200 EAST #301, ST. GEORGE, UT 84770
PHONE: (435) 634-5728

Petitioner/Defendant) PETITION FOR EXPUNGEMENT
Name: _____) AND SEALING OF RECORDS
Address: _____) Old Case No. _____
_____) Case No. _____
Date of Birth: _____) Citation/Information No. _____

PETITION

Petitioner, pursuant to U.C.A. 77-18-10, as amended, hereby petitions this Court for an order of expungement and sealing for any and all records relating to the following offense(s) arising out of the same criminal episode:

Ct 1 _____ an ☐ Infraction or a Class ☐ B ☐ C Misdemeanor,
Ct 2 _____ an ☐ Infraction or a Class ☐ B ☐ C Misdemeanor,
Ct 3 _____ an ☐ Infraction or a Class ☐ B ☐ C Misdemeanor.

IN SUPPORT OF SAID PETITION, THE PETITIONER AVOWS THAT:

1. Petitioner was ☐ cited ☐ arrested/detained on _____ (date) by ☐ St. George Police Department or ☐ _____ (law enforcement agency) and/or charges were filed in this court on _____ (date) under the above case number.
2. The offense(s) cited is not a capital, first-degree or second degree felony as defined in U.C.A 76-2-402(3);
3. Petitioner does not have two or more felony offense convictions arising out of a separate criminal episode on record;
4. The petitioner has not had any previous felony criminal record expunged;
5. A CERTIFICATE OF ELIGIBILITY from the Bureau of Criminal Identification (BCI) is attached to this petition and indicates that petitioner has no record of expungement with BCI;
6. The appropriate time period has elapsed (check one/both of the following:) ☐ TO EXPUNGE ARREST DETENTION RECORDS: Petitioner was arrested with/without a warrant and one month has passed with no intervening arrests, and one of the following occurred: court charges were not filed; proceedings were dismissed, petitioner was discharged without a conviction and no charges were refiled against petitioner within 30 days, or same was acquitted at trial; or the record of any proceeding against petitioner has been sealed under 77-18-15. ☐ TO EXPUNGE COURT RECORDS: The petitioner has not been convicted of a criminal offense for 7 years if a felony; 10 years if an alcohol-related traffic offense under Title 41; 5 years if a class A misdemeanor; or 3 years if any other misdemeanor or infraction under Title 76, after release from incarceration, parole or probation, whichever occurred last.
7. No proceeding involving a crime is pending against the petitioner;
8. The fee to process the expungement order, if required, has been paid to the court or an Affidavit of Impecuniosity has been filed with the court; and
9. A copy of the petition and the attached certificate have been served upon the prosecuting attorney for this jurisdiction.

Under penalty of perjury, I avow the above statements to be true.

DATED: _____

Petitioner/Counsel for Petitioner

STATE OF UTAH) ss.
COUNTY OF _____)

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 200_____.

Notary Public residing at _____.

WASHINGTON COUNTY JUSTICE COURT
87 NORTH 200 EAST #301, ST. GEORGE, UT 84770
PHONE: (435) 634-5728

Petitioner/Defendant

Name: _____)

Address: _____)

_____)

Date of Birth: _____)

PROSECUTOR'S RECEIPT
REVIEW, CONSENT AND
WAIVER OF HEARING

Case No. _____

I hereby acknowledge receipt of Petitioner's Petition for Expungement and Sealing of Records. I certify that I reviewed the Petition and waive the right to object to said Petition.

I hereby consent to the court entering a Certificate of Compliance and Order of Expungement and Sealing as requested without further hearing.

DATED this _____ day of _____, 200_____.

Prosecutor

WASHINGTON COUNTY JUSTICE COURT
87 NORTH 200 EAST #301, ST. GEORGE, UT 84770
PHONE: (435) 634-5728

Petitioner/Defendant) CERTIFICATE OF COMPLIANCE AND
Name: _____) ORDER OF EXPUNGEMENT AND
Address: _____) SEALING OF RECORDS
_____) Old Case No. _____
_____) Case No. _____
Date of Birth: _____) Citation/Information No. _____

Pursuant to Utah Code Annotated Section 77-18-14, the Court hereby makes the following findings and certifies as follows:

1. That petitioner was [] cited [] arrested/detained on _____(date) by [] St. George Police Department or [] _____ (law enforcement agency) and/or charges were filed in this court on _____(date) under the above case number;
2. That petitioner has petitioned the court for an order of expungement and sealing; and
3. That petitioner has complied with all statutory requirements for expungement in this case and the Court is satisfied that there are no reasonable objections to Petitioner's petition.

Accordingly, it is HEREBY ORDERED:

1. That all records in petitioner's case in the custody of this court, any other court, or any state, county or local entity, agency or official shall be EXPUNGED AND SEALED pursuant to Utah Code Annotated Section 77-18-14;
2. That petitioner shall distribute this order to all affected agencies and officials including this Court, the arresting agency, the booking agency, the prosecutor's office, the Utah Bureau of Criminal Identification, and if required, the Department of Corrections and The Board of Pardons and all interested courts; and
3. That the Utah Bureau of Criminal Identification shall forward a copy of this expungement order to the Federal Bureau of Investigation if information regarding this offense was previously provided to that agency.

DATED this _____ day of _____, 200_____.

BY THE COURT:

Justice Court Judge